

REMARKS/ARGUMENTS

Claims 1-11 remain pending in this patent application. The pending claims stand rejected under 35 U.S.C. §102(e) as being anticipated by Tharp, et al. (U.S. Patent No. 6,174,190).

A rejection based upon 35 U.S.C. §102(e) can be overcome by filing an affidavit or declaration under 37 C.F.R. 1.131 showing prior invention. Tharp was filed on October 26, 1999 and claims priority from a provisional application filed on September 8, 1999. The attached declaration states that applicant conceived the claimed invention and can establish a date of invention prior to September 8, 1999. As evidence, applicant submits an invention disclosure dated June 15, 1999 as Exhibit A to the declaration. The invention disclosure includes a detailed description of the invention, as well as three figures. Prior to September 8, 1999, the invention disclosure was provided to applicant's Canadian patent agents. Prior to September 8, 1999 and up until November 16, 1999, the patent agents prepared and filed an application based upon the invention disclosure. Applicant submits that the claims of the present application read directly on the invention disclosure.

In particular, claims 1 and 2 of the application are directly supported by the invention description section and figures 1 and 2 of the invention disclosure. More specifically, the invention description discloses: "A flat piece of non conductive material shaped as per figure 1 is inserted into the rear of the RJ connector. The shoulders on the part (a) prevent the part from being pulled out of the connector from the front, the length of the actuator tongue (b) is such that it extends out of the enclosure, the thickness (c) is such that it does not interfere with the teledapt cable locking arm

movement and the part is prevented from being pushed out of the connector by some other means, in our case a wall incorporated in the enclosure. As seen in figure 2, when assembled, movement of the actuator tongue outside of the enclosure will unlock the teledapt cable latch inside allowing the cable to be extracted."

Further, claims 3 and 4 are directly supported by the other variations section and figure 3 of the invention disclosure: "If the provision of a wall to retain the part is problematic the features could be added to the part to retain it. Figure 3 is an example that would retain itself on the connector housing." Additionally, claims 8-11 are supported by the other variations section of the invention disclosure: "If ESD [electrostatic discharge] is not a concern then a conductive material can be used to make the part as an actuator."

Applicant respectfully submits that prior invention has been demonstrated and thus the rejection of claims 1-11 based upon 35 U.S.C. §102(e) has been overcome. Accordingly, claims 1-11 of this application are allowable. For at least these reasons, the case is in condition for allowance and early notice thereof is requested.

Respectfully submitted,

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